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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 BENHAM HALALI,) No. 09-4900 RS
19 Plaintiff,)
20 v.)
21 UNITED STATES OF AMERICA ET AL.,)
22 Defendants.)
23

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE CASE
MANAGEMENT CONFERENCE AND
MEDIATION DEADLINE**

24 IT IS HEREBY STIPULATED by and between the undersigned, subject to the approval of
25 the Court, that the date for completing Court appointed mediation in this case (currently set for
26 December 31, 2010) be continued to March 31, 2010 and that the telephonic Case Management
27 Conference (currently scheduled for January 13, 2011) be continued to April 14, 2011 or a later
28 date selected by the Court. This stipulation was agreed to by the parties (following the

STIPULATION AND [PROPOSED] ORDER TO CONTINUE CMC AND MEDIATION DEADLINE
C09-4900 RS

1 suggestion of the Court appointed mediator in the case, Patricia Prince) because the parties held
2 an initial mediation session on September 2, 2010 and were not able to settle the case but did
3 agree to agree on a plan for some focused discovery followed by another mediation session. The
4 parties held a telephone conference with the mediator on September 8, 2010 and subsequently
5 agreed to hold a second mediation session on December 14, 2010. During the week of December
6 6, 2010, however, the parties held separate telephone conferences with the mediator which
7 resulted in the mediator recommending that the parties continue the mediation session from
8 December 14, 2010 until a date to be agreed upon, most likely in March 2011.

9 As the Court may recall, this case arises from an automobile accident that took place on
10 December 19, 2007 between Plaintiff Benham Halali and an FBI Victim Specialist named
11 Christina Boulds. The discovery that the parties intended to take prior to the December 14, 2010
12 mediation included the following: (1) Plaintiff will execute authorizations for the release of
13 medical records and Defendant will subpoena Plaintiff's medical records, (2) Defendant has
14 requested photographs from the CHP that the parties believe were taken after the accident and
15 will provide copies to Plaintiff, (3) the parties will conduct depositions of Plaintiff, Ms. Boulds,
16 the CHP officer who investigated the accident, and possibly one or two other parties (i.e. one of
17 Plaintiff's medical providers), (4) Plaintiff will assist in obtaining further documentation from
18 Plaintiff's employer regarding Plaintiff's claim for lost income, and (5) the parties will work in
19 good faith to cooperatively address any other focused discovery that either party believes in good
20 faith to be necessary to evaluate the case for settlement purposes.

21 The parties have not been able to complete this limited discovery in time for the December
22 14, 2010 mediation for several reasons. First, it has taken much longer than anticipated to obtain
23 certain of Plaintiff's medical records. Second, counsel's schedules were diverted to some other
24 matters that they did not anticipate back in September 2010. The parties believe that the
25 discovery plan they have set forth is one that can be achieved prior to a mediation in March of
26 2011, and that it is in the best interest of the parties to see if the case can be resolved after the
27 parties have taken the discovery and exchanged the information set forth in their plan. The
28 parties thus seek the Court's approval of a schedule that would allow this plan to go forward.

1 The parties will be working with the mediator to select a mediation date in March of 2011
2 The request to have the mediation deadline continued until March 31, 2010 and do not believe an
3 earlier date would be achievable in light of their respective professional commitments in other
4 cases. The parties do not believe that any other dates set by the Court would need to be
5 continued as a result of this stipulation.

6 Dated: December 10, 2010

7 Respectfully submitted,

8 MELINDA HAAG
United States Attorney

10 By: /s/
11 MICHAEL T. PYLE
Assistant United States Attorney
12 Attorney for Defendant

13 Respectfully submitted,

14 LAW OFFICE OF MICHAEL L. ORAN

15 By: /s/
16 MICHAEL L. ORAN
17 Attorneys for Plaintiff

PURSUANT TO STIPULATION, IT IS SO ORDERED:

18 The deadline for the parties to complete Court appointed mediation is continued from
19 December 31, 2010 to March 31, 2011. The Court will hold a telephonic Case Management
20 at 10:00 a.m.
21 Conference on April 21 2011. The parties shall file a Case Management Conference Statement
22 at least ten days in advance of the Conference. The parties shall promptly notify the Court if they
23 resolve the case through mediation or otherwise.

24
25 DATED: 12/10/10


26 HON. RICHARD SEEBORG
United States District Chief Judge